SUPPLEMENTAL COMBINED DECLARATION FOR PATENT OWER OF ATTORNEY APPLICAT' International Applications) (Includes Refere...e

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are li

sted belo	am the original, first and w) of the subject matter w	which is c	laimed and for wh	ich a patent is st	night on the invent	on circulous		li li
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he specifi	cation of which (check o	only one it	em below):					
[]	is attached hereto.							
[X]	was filed as U.S. Patent Application Serial No. 09/120,663 on July 22, 1998 and was amended under PCT Article 19 on (if applicable).							
[]	was filed as PCT International Application No on and was amended under PCT Article 19 on (if applicable).							
amendme	state that I have reviewed intreferred to above.							
Federal R	ledge the duty to disclose tegulations, § 1.56(a).							
or of any below an than the l claimed:	claim foreign priority ber PCT international applic y foreign application(s) t United States of America	cation(s) d for patent a filed by r	esignating at least or inventor's certif ne on the same sub	ficate or any PC bject matter hav	Γ international appling a filing date before	ication(s) designates ore that of the app	iting at least on	e country other
PRIOR F	FOREIGN/PCT APPLIC	ATION(S) AND ANY PRIC	ORITY CLAIM	DATE OF FIL	DIC	PRIORITY C	L AIMED
COUNTRY (IF PCT, indicate "PCT")		APPLICATIO	TION NUMBER (day, mor			UNDER 35 USC 119		
United States		60/055	60/055,106		97	[X] YES [] NO		
							[]YES[] NO
				[]YES[]N				
designated disclose the duty	claim the benefit under ting the United States of d in that/those prior appl to disclose material info r application(s) and the n	America t ication(s) ormation a sational or	in the manner pros s defined in Title 3 PCT International	vided by the firs 37, Code of Fede I filing date of the	t paragraph of Title eral Regulations, § 1 is application:	35, United State 1.56(a) which occ	s Code, § 112, I surred between	acknowledge the filing date of
PRIOR 120:	U.S. APPLICATIONS C	OR PCT II	NTERNATIONAL	, APPLICATIO	NS DESIGNATING	THE U.S. POR		
'U.S. APPLICATIONS					STATUS (Che	ATUS (Check One)		
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							<u> </u>	Page 1 of

COMBINED DECLARA® OR PATENT APPLICATION AND POWER C. TORNEY (Continue)

TORNEY'S DOCKET NUMBER

19603/1661 (CRF D-2098A)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Michael L. Goldman, Registration No. 30,727; Gunnar G. Leinberg, Registration No. 35,584; Dennis M. Connolly, Registration No. 40,964; Edwin V. Merkel, Registration No. 40,087; Georgia Caton, Registration No. 44,597; Grant E. Pollack, Registration No. 34,097

Send Correspondence to:

Michael L. Goldman Nixon Peabody LLP

Clinton Square, P.O. Box 1051

Direct Telephone Calls to: (name and telephone number) Michael L. Goldman

	Rochester, New York 14603				16) 263-1304	
	FULL NAME	FAMILY NAME	FIRST GIVEN NAME	1	SECOND GIVEN NAME	
	OF INVENTOR	Bogdanove Adam			J.	
2	RESIDENCE &	CITY	STATE/FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP	
1	CITIZENSHIP	Ithaca	New York		United States	
	POST OFFICE	P.O. ADDRESS	CITY		STATE & ZIP CODE/CTRY	
	ADDRESS	37 Uptown Road	Ithaca		New York 14850/USA	
	FULL NAME OF	FAMILY NAME	FIRST GIVEN NAME		SECOND GIVEN NAME	
	INVENTOR	Kim	Jihyun		Francis	
2	RESIDENCE &	CITY	STATE/FOREIGN COUNT	ΓRΥ	COUNTRY OF CITIZENSHIP	
0	CITIZENSHIP	Ithaca	New York	ŀ	Republic of Korea	
2	POST OFFICE ADDRESS	P.O. ADDRESS	CITY		STATE & ZIP CODE/CTRY	
		2250 N. Triphammer Road,	Ithaca		New York 14850/USA	
9		Apt. FL-4				
<u> </u>	FULL NAME OF	FAMILY NAME	FIRST GIVEN NAME		SECOND GIVEN NAME	
	INVENTOR	Wei	Zhong-Min			
12 0 m	RESIDENCE &	CITY	STATE/FOREIGN COUNT	ΓRΥ	COUNTRY OF CITIZENSHIP	
3	CITIZENSHIP	Kirkland	Washington	İ	United States	
Ε	POST OFFICE	P.O. ADDRESS	CITY		STATE & ZIP CODE/CTRY	
	ADDRESS	8230 125 th Court	Kirkland	l	Washinton 98034/USA	
	FULL NAME OF	FAMILY NAME	FIRST GIVEN NAME		SECOND GIVEN NAME	
	INVENTOR	Beer	Steven		v.	
2	RESIDENCE &	CITY	STATE/FOREIGN COUNTRY		COUNTRY OF CITIZENSHIP	
4	CITIZENSHIP	Ithaca	New York		United States	
	POST OFFICE	P.O. ADDRESS	CITY		STATE & ZIP CODE/CTRY	
	ADDRESS	211 Hudson Street	Ithaca		New York 14850/USA	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 SIGNATURE OF INVENTOR 202 SIGNATURE OF INVENTOR 203 DATE SIGNATURE OF INVENTOR 205 SIGNATURE OF INVENTOR 206 DATE DATE DATE DATE DATE DATE			
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DATE 4/28/10 DATE DATE	SIGNATURE OF INVENTOR 264	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
	DATE 4/28/00	DATE	DATE

SUPPLEMENTAL COMPINED DECLARATION FOR PATENT **APPLICAT!** D POWER OF ATTORNEY (Includes Refere...

CT International Applications)



ATTORNEY'S DOCKET NUMBER 19603/1661 (CRF D-2098A)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

	HYPERSENSITIVE	RESPON	SE ELICITOR F	ROM <i>ERWIN</i>	IA AMYLOVORA, 1	ITS USE, A	ND I	ENCODING C	GENE
the specific	cation of which (check	only one i	tem below):					-	
[]	is attached hereto.								
[X]	was filed as U.S. Patent Application Serial No. 09/120,663 on July 22, 1998 and was amended under PCT Article 19 on(if applicable).								
[]	was filed as PCT International Application No on and was amended under PCT Article 19 on (if applicable).								
I hereby sta	ate that I have reviewe t referred to above.	d and unde	erstand the content	ts of the above-	identified specificati	ons, includi	ing the	e claims, as am	ended by any
	edge the duty to disclosingulations, § 1.56(a).	se informa	tion which is mate	rial to the exan	nination of this applic	cation in acc	cordaı	nce with Title 3	7, Code of
or of any P below any than the Us claimed:	aim foreign priority be PCT international appli foreign application(s) nited States of Americ	cation(s) of for patent a filed by t	lesignating at least or inventor's certi me on the same su	one country of ficate or any Po bject matter ha	her than the United S CT international appl ving a filing date bef	States listed ication(s) dore that of t	belov esign	w and have also ating at least or	identified ne country other
PRIOR FO	REIGN/PCT APPLIC	CATION(S) AND ANY PRIC	ORITY CLAIM	IS UNDER 35 U.S.C	C. 119:			
COUNTRY (IF PCT, indicate "PCT") APPLICATIO			N NUMBER	DATE OF FILING (day, month, year)		PRIORITY CLAIMED UNDER 35 USC 119			
United States		60/055	5,106	06-AUG-1997		[X] YES [] NO] NO	
							[]YES[]NO		
								[] YES [] NO
designatin disclosed the duty to the prior a	laim the benefit under g the United States of in that/those prior appl o disclose material info pplication(s) and the n	America the ication (s) or mation as attional or	nat is/are listed bel in the manner prov s defined in Title 3 PCT International	low and, insofa vided by the fir 7, Code of Fed filing date of t	r as the subject matte st paragraph of Title eral Regulations, § 1 his application:	er of each of 35, United : .56(a) whic	f the c States th occ	laims of this ap Code, § 112, I urred between	oplication is not acknowledge the filing date of
PRIOR U. 120:	S. APPLICATIONS (OR PCT IN	ITERNATIONAL	, APPLICATIO	NS DESIGNATING	THE U.S.	FOR	BENEFIT UN	DER 35 U.S.C.
· U.S. APPLICATIONS					STATUS (Check One)				
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		LICATIO	NS DESIGNATIN	T		-			
PCT PCT APPLICATION NO. FILING DATE			U.S. SERIAL NUMBERS ASSIGNED (if any)						
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COMBINED DECLARATION OR PATENT APPLICATION AND POWER C. DRNEY (Continue)

TORNEY'S DOCKET NUMBER

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Michael L. Goldman, Registration No. 30,727; Gunnar G. Leinberg, Registration No. 35,584; Dennis M. Connolly, Registration No. 40,964; Edwin V. Merkel, Registration No. 40,087; Georgia Caton, Registration No. 44,597; Grant E. Pollack, Registration No. 34,097

Send Correspondence to:

Michael L. Goldman Nixon Peabody LLP

Clinton Square, P.O. Box 1051 Rochester, New York 14603 Direct Telephone Calls to: (name and telephone number) Michael L. Goldman

-		redeficitely 10	IK 14003	(716) 263-1304
	FULL NAME OF INVENTOR	FAMILY NAME Bogdanove	FIRST GIVEN NAME Adam	SECOND GIVEN NAME J.
2 0 1	RESIDENCE & CITY CITIZENSHIP Ithaca		STATE/FOREIGN COUN' New York	
	POST OFFICE ADDRESS	P.O. ADDRESS CITY 37 Uptown Road Ithaca		STATE & ZIP CODE/CTRY New York 14850/USA
	FULL NAME OF INVENTOR	FAMILY NAME Kim	FIRST GIVEN NAME Jihyun	SECOND GIVEN NAME Francis
0 2	RESIDENCE & CITIZENSHIP	CITY Ithaca	STATE/FOREIGN COUNT New York	COUNTRY OF CITIZENSHIP Republic of Korea
	POST OFFICE ADDRESS	P.O. ADDRESS 2250 N. Triphammer Road, Apt. FL-4	CITY Ithaca	STATE & ZIP CODE/CTRY New York 14850/USA
2	FULL NAME OF INVENTOR	FAMILY NAME Wei	FIRST GIVEN NAME Zhong-Min	SECOND GIVEN NAME
3	RESIDENCE & CITIZENSHIP	CITY Kirkland	STATE/FOREIGN COUNT Washington	RY COUNTRY OF CITIZENSHIP United States
	POST OFFICE ADDRESS	P.O. ADDRESS 8230 125 th Court	CITY Kirkland	STATE & ZIP CODE/CTRY Washinton 98034/USA
E E	FULL NAME OF INVENTOR	FAMILY NAME Beer	FIRST GIVEN NAME Steven	SECOND GIVEN NAME V.
2 0 4	RESIDENCE & CITIZENSHIP	CITY Ithaca	STATE/FOREIGN COUNT New York	RY COUNTRY OF CITIZENSHIP United States
b. <i>d</i>	POST OFFICE ADDRESS	P.O. ADDRESS 211 Hudson Street	CITY Ithaca	STATE & ZIP CODE/CTRY New York 14850/USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

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DATE	DATE	DATE				

Page 2 of 2

PATENT Docket No.: 19603/1661 (CRF D-2098A)

Applicant or Patentee

Adam J. Bogdanove, Jihyun Francis Kim, Zhong-Min Wei, and

Steven V. Beer

Serial or Patent No.

09/120,663

Filed or Issued

July 22, 1998

:

For

HYPERSENSITIVE RESPONSE ELICITOR FROM ERWINIA

AMYLOVORA, ITS USE, AND ENCODING GENE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization

NAME OF ORGANIZATION ADDRESS OF ORGANIZATION:

Cornell Research Foundation, Inc.

Cornell Business & Technology Park

20 Thornwood Drive, Suite 105

Ithaca, New York 14850

TYPE OF ORGANIZATION

$[\mathbf{X}]$ UNIVERSITY OR OTHER INSTITUTION OF	HIGHER EDUCATION
---	------------------

- TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 [] USC 501(a) and 501(c)(3))
- NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF [] STATE OF THE UNITED STATES OF AMERICA (NAME OF STATE:) (CITATION OF STATUTE:)
- WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE [] SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL [] UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA (NAME OF STATE:) (CITATION OF STATUTE:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled HYPERSENSITIVE RESPONSE ELICITOR FROM ERWINIA AMYLOVORA, ITS USE, AND ENCODING GENE by inventors Adam J. Bogdanove, Jihyun Francis Kim, Zhong-Min Wei, and Steven V. Beer.

described in

- [] the specification filed herewith.
- U.S. Patent Application Serial No. 09/120,663, [X] filed July 22, 1998.

[] U.S. Patent No. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE:

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small

entities. (37 CFR 1.27).

NAME

EDEN Bioscience Corporation

ADDRESS

11816 North Creek Parkway N., Bothell, Washington 98011-8205

[] INDIVIDUAL [X] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

NAME

ADDRESS

[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any changes in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Richard S. Cahoon

TITLE IN ORGANIZATION:

Vice President

ADDRESS OF PERSON SIGNING:

20 Thornwood Drive, Suite 105

Ithaca, New York 14850

SIGNATURE: The lead 5 - Celour

DATE: Nov. 17, 1998

*Cornell Research Foundation, Inc., is a Corporation which is wholly owned by Cornell University handling Patents and Licensing.

SMALL BUSINESS

Docket No.: 19603/1661 (CRF D-2098A)

Applicant or Patentee :

Adam J. Bogdanove, Jihyun Francis Kim, Zhong-Min Wei, and

Steven V. Beer

Serial or Patent No.

09/120,663

Filed or Issued

July 22, 1998

For

HYPERSENSITIVE RESPONSE ELICITOR FROM ERWINIA

AMYLOVORA, ITS USE, AND ENCODING GENE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

[] the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN

EDEN Bioscience Corporation 11816 North Creek Parkway N. Bothell, Washington 98011-8205

ADDRESS OF CONCERN : 11816 N

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled HYPERSENSITIVE RESPONSE ELICITOR FROM ERWINIA AMYLOVORA, ITS USE, AND ENCODING GENE by inventors Adam J. Bogdanove, Jihyun Francis Kim, Zhong-Min Wei, and Steven V. Beer described in

[] the specification filed herewith

[X] U.S. Patent Application Serial No.: 09/120,663

Filed: July 22, 1998

[] U.S. Patent No.:

Issued:

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CRF 1.27).

NAME

Cornell Research Foundation, Inc.

ADDRESS

Cornell Business & Technology Park, 20 Thornwood Drive, Suite 105

Ithaca, New York 14850

[] INDIVIDUAL [] SMALL BUSINESS CONCERN [X] NONPROFIT ORGANIZATION

NAME

ADDRESS

[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

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NAME OF PERSON SIGNING

TITLE OF PERSON OTHER THAN OWNER

ADDRESS OF PERSON SIGNING

Jerry L. Butler

President and Chief Executive Officer

11816 North Creek Parkway N. Bothell, Washington 98011-8205

SIGNATURE:

DATE: 4/13/98